

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VETERAN MEDICAL PRODUCTS, INC.,
TILLMAN INDUSTRIES, INC.,
JOSEPH SZYPERSKI, PATRICK EDDY,
and, RYAN HEIDENFELD,

Plaintiffs,

v.

Case No. 1:05-cv-655
Hon. Hugh W. Brenneman, Jr.

BIONIX DEVELOPMENT CORPORATION,
and, ANDREW J. MULLIGAN,

Defendants.

VERDICT FORM

We, the jury, unanimously find that:

Unfair Competition - Federal law

1. Bionix Development Corporation ("Bionix") unfairly competed in the marketplace under Federal law against Veteran Medical Products, Inc. ("Veteran").
Yes ☒ No ☐
2. Bionix unfairly competed in the marketplace under Federal law against Tillman Industries, Inc. ("Tillman").
Yes ☒ No ☐
3. Bionix unfairly competed in the marketplace under Federal law against Joseph Szyperski ("Szyperski").
Yes ☒ No ☐
4. Bionix unfairly competed in the marketplace under Federal law against Patrick Eddy ("Eddy").
Yes ☒ No ☐
5. Bionix unfairly competed in the marketplace under Federal law against Ryan Heidenfeld ("Heidenfeld").
Yes ☒ No ☐

6. Dr. Andrew Milligan ("Milligan") unfairly competed in the marketplace under Federal law against Veteran.
Yes ☒ No ☐
7. Milligan unfairly competed in the marketplace under Federal law against Tillman.
Yes ☒ No ☐
8. Milligan unfairly competed in the marketplace under Federal law against Szyperski.
Yes ☒ No ☐
9. Milligan unfairly competed in the marketplace under Federal law against Eddy.
Yes ☒ No ☐
10. Milligan unfairly competed in the marketplace under Federal law against Heidenfeld.
Yes ☒ No ☐

Unfair Competition - State law

11. Bionix unfairly competed in the marketplace under Michigan law against Veteran.
Yes ☒ No ☐
12. Bionix unfairly competed in the marketplace under Michigan law against Tillman.
Yes ☒ No ☐
13. Bionix unfairly competed in the marketplace under Michigan law against Szyperski.
Yes ☒ No ☐
14. Bionix unfairly competed in the marketplace under Michigan law against Eddy.
Yes ☒ No ☐
15. Bionix unfairly competed in the marketplace under Michigan law against Heidenfeld.
Yes ☒ No ☐
16. Milligan unfairly competed in the marketplace under Michigan law against Veteran.
Yes ☒ No ☐
17. Milligan unfairly competed in the marketplace under Michigan law against Tillman.
Yes ☒ No ☐
18. Milligan unfairly competed in the marketplace under Michigan law against Szyperski.
Yes ☒ No ☐

19. Milligan unfairly competed in the marketplace under Michigan law against Eddy.
Yes ✓ No
20. Milligan unfairly competed in the marketplace under Michigan law against Heidenfeld.
Yes ✓ No

Damages

If you found that Bionix unfairly competed in the marketplace, under either Federal or Michigan law, then determine the compensatory damages, if any, suffered by the plaintiffs:

Veteran	\$ <u>25,000</u> .
Tillman	\$ <u>25,000</u> .
Szyperski	\$ <u>16,500</u> .
Eddy	\$ <u>16,500</u> .
Heidenfeld	\$ <u>16,500</u> .
Total	\$ <u>100,000</u> .

If you found that Milligan unfairly competed in the marketplace, under either Federal or Michigan law, then determine the compensatory damages, if any, suffered by the plaintiffs:

Veteran	\$ <u>25,000</u> .
Tillman	\$ <u>25,000</u> .
Szyperski	\$ <u>16,500</u> .
Eddy	\$ <u>16,500</u> .
Heidenfeld	\$ <u>16,500</u> .
Total	\$ <u>100,000</u> .

DEFENDANTS' COUNTERCLAIM AGAINST PLAINTIFFS

Misappropriation of a trade secret - State law

21. Veteran misappropriated a trade secret owned by Bionix.
Yes ____ No ✓
22. Tillman misappropriated a trade secret owned by Bionix.
Yes ____ No ✓
23. Szyperski misappropriated a trade secret owned by Bionix.
Yes ____ No ✓
24. Eddy misappropriated a trade secret owned by Bionix.
Yes ____ No ✓
25. Heidenfeld misappropriated a trade secret owned by Bionix.
Yes ____ No ✓

Damages

If you found that Veteran misappropriated a trade secret owned by Bionix, then determine the compensatory damages, if any, suffered by Bionix \$ - 0 -.

If you found that Tillman misappropriated a trade secret owned by Bionix, then determine the compensatory damages, if any, suffered by Bionix \$ - 0 -.

If you found that Szyperksi misappropriated a trade secret owned by Bionix, then determine the compensatory damages, if any, suffered by Bionix \$ - 0 -.

If you found that Eddy misappropriated a trade secret owned by Bionix, then determine the compensatory damages suffered, if any, by Bionix \$ - 0 -.

If you found that Heidenfeld misappropriated a trade secret owned by Bionix, then determine the compensatory damages suffered, if any, by Bionix \$ - 0 -.

Total \$ - 0 -.

Dated:

4/18/08

Patricia A. Christie

Jury Foreperson